



MEMO ENDORSED

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, NY 10007

August 30, 2022

By ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Briant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Caceres v. United States of America*, No. 21 Civ. 08582 (KMK) (PED)

Dear Judge Karas:

This Office represents the United States of America (the "Government") in the above-referenced medical malpractice action brought by Hernan Caceres, as Administrator of the Estate of Jose Daniel De Jesus Chavez Ramos, pursuant to the Federal Tort Claims Act. Although the parties acknowledge that the Court stated that no further extension of the discovery deadlines would be granted for any reason, *see* Dkt. No. 44, I write respectfully on behalf of all parties to request a temporary stay of discovery and a referral for either a settlement conference with a magistrate judge of this Court or for a mediation with the Southern District mediation program, so that the parties can explore the possibility of settlement before incurring the costs associated with commencing expert discovery. The parties further request that the settlement conference or mediation take place no earlier than 45 days from today's date so that counsel for the Government may obtain the necessary authorizations in order to engage in settlement discussions on behalf of the Government.

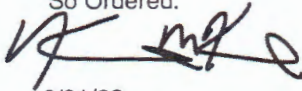
Fact discovery is currently set to end on September 2, 2022, and expert discovery is currently set to end on November 2, 2022. The parties recently met and conferred regarding the scope of expert discovery, and they anticipate that they will utilize 10 expert witnesses in total. Given the anticipated scope of expert discovery and the substantial anticipated expenses associated with expert discovery, the parties reached an agreement that this matter may reach a consensual resolution if they engage in settlement negotiations before the commencement of expert discovery. Accordingly, we respectfully request a referral for a settlement conference or mediation, which we request be scheduled no earlier than 45 days from today's date. We also request that the Court stay discovery in an exercise of its inherent equitable discretion, *see Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), while the parties pursue settlement discussions. If this matter is not yet resolved, we propose to submit a status letter by October 21, 2022, to either update the Court on the status of settlement discussions or to seek a new date by which expert discovery must be completed.

We thank the Court for its consideration of this request.

Page 2 of 2

Granted. Discovery is stayed to allow the Parties to explore discovery. The Parties are to advise the Court by 9/6/22 whether they prefer a referral to a magistrate judge or the SDNY Mediation Program.

So Ordered.



8/31/22

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Elizabeth J. Kim
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